

CHAPTER 45. STATE BOARD OF EXAMINERS IN SPEECH-LANGUAGE AND HEARING

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Authority

The provisions of this Chapter 45 issued under section 812.1 of The Administrative Code of 1929 (71 P.S. § 279.3a); and sections 8 and 13 of the Speech-Language and Hearing Licensure Act (63 P.S. §§ 1708 and 1713), unless otherwise noted.

Source

The provisions of this Chapter 45 adopted July 29, 1988, effective July 30, 1988, 18 Pa.B. 3340, unless otherwise noted.

Cross References

This chapter cited in 49 Pa. Code § 41.26 (relating to professional corporations); and 49 Pa. Code § 47.21 (relating to professional corporations).

Subchapter A. GENERAL PROVISIONS

Sec.
45.1. Fees.
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§ 45.1. Fees.

(a) The following are the fees set by the State Board of Examiners in Speech-Language and Hearing:

- (1) Initial license—speech-language pathologist, audiologist or teacher of the hearing impaired \$20
(2) Certification of licensure \$15
(3) Biennial renewal \$46
(4) Examination for teacher of the hearing impaired \$87
(5) Application for continuing education course approval \$40

(b) The Board will require payment of the initial license fee by individuals who were issued licenses without fee prior to July 30, 1988.

Authority

The provisions of this § 45.1 amended under section 5(7) of the Speech-Language and Hearing Licensure Act (63 P.S. § 1705(7)).

Source

The provisions of this § 45.1 adopted July 29, 1988, effective July 30, 1988, 18 Pa.B. 3340; amended July 31, 1992, effective August 1, 1992, 22 Pa.B. 3991; amended December 8, 1995, effective December 9, 1995, and apply to examination fees charged on and after September 1, 1995, 25 Pa.B. 5588; amended April 7, 2006, effective April 8, 2006, 36 Pa.B. 1648. Immediately preceding text appears at serial pages (223117) to (223118).

Cross References

This section cited in 49 Pa. Code § 45.12 (relating to application procedures); 49 Pa. Code § 45.13 (relating to renewal; inactive status); and 49 Pa. Code § 45.505 (relating to approval of continuing education programs).

§ 45.2. Definitions.

The following words and terms, when used in this chapter, have the following meanings, unless the context clearly indicates otherwise:

Act—The Speech-Language and Hearing Licensure Act (63 P. S. §§ 1701—1719).

Biennial renewal period—The period from August 1 of an even-numbered year to July 31 of the next even-numbered year.

Board—The State Board of Examiners in Speech-Language and Hearing of the Commonwealth.

Business entity—A lawful form of organization, including a corporation, partnership, trust, association, company or other similar form of organization.

Clock hour—Consists of 50 to 60 minutes of instruction or participation in an approved continuing education course or program.

Continuing education record—Report provided to a participant in a continuing education course or program by the provider which conforms to § 45.506(b) (relating to provider responsibilities).

Direct supervision—The personal, on-premises observation of activities performed by personnel working under the licensee or qualified training supervisor.

Inactive license—A license status in which the licensee notifies the Board that the licensee no longer requires an active license to practice.

Lapsed license—A license status in which the license has not been currently renewed.

Licensees—Speech-language pathologists, audiologists and teachers of the hearing-impaired.

Practice of audiology—The evaluation, counseling, habilitation and rehabilitation of individuals whose communication disorders center in whole or in part in the hearing function, including the prevention, identification, examination, diagnosis and treatment of conditions of the human auditory system, and including the examination for, and adapting and fitting of amplification or assistive devices.

Practice of speech-language pathology—The evaluation, counseling, habilitation and rehabilitation of individuals whose communicative disorders involve

the functioning of speech, voice or language, including the prevention, identification, examination, diagnosis and treatment of conditions of the human speech-language system, and including the examination for, and adapting and use of assistive devices.

Practice of teaching the hearing-impaired—The evaluation and instruction in curriculum-based material and communication skills appropriate for individuals affected primarily by impaired hearing sensitivity, including the prevention, identification, assessment, diagnosis and remediation of conditions affecting the educational and vocational development of deaf or hearing-impaired persons, and including the examination for the adapting and use of assistive devices.

Practicum—

(i) All aspects of a training program related to the practice of speech-language pathology, audiology or teaching of the hearing-impaired which is recognized by an accredited academic institution, and which during the total practicum experience brings the student into direct contact with a person identified as having a communication or oral/motor problem, an individual, such as a family member, spouse or close friend, who has a significant personal relationship with a person identified as having a communication or oral/motor problem, and an allied professional for the purpose of providing services to a person identified as having a communication or oral/motor problem.

(ii) The term may include hours spent in externship, student teaching or directed clinical teaching experience.

Provider—An agency, organization, institution, college, university, professional society, association or center approved by the Board to offer an organized continuing education course or program.

Qualified training supervisor—A person supervising a student in practicum or an applicant in the year of supervised professional experience, and who also holds one of the following:

(i) A current Pennsylvania license in the appropriate area of specialization for the applicant or student.

(ii) Equivalent licensure in the appropriate area of specialization from a state with which the Board has reciprocity.

(iii) A current Certificate of Clinical Competence in speech-language pathology or audiology issued by the American Speech-Language and Hearing Association, or a current professional certificate issued by the Council on Education of the Deaf, whichever is applicable to the applicant's area of specialization and is a nonresident of this Commonwealth or is exempt from licensure under section 6(b)(2) of the act (63 P. S. § 1706(b)(2)).

YSPE—Year of supervised professional experience.

Authority

The provisions of this § 45.2 amended under sections 5, 10, 16 and 17 of the Speech-Language and Hearing Licensure Act (63 P. S. §§ 1705, 1710, 1716 and 1717).

Source

The provisions of this § 45.2 adopted July 20, 1990, effective July 21, 1990, 20 Pa.B. 3973; amended May 22, 1992, effective May 23, 1992, 22 Pa.B. 2730; amended May 29, 1992, effective May 30, 1992, 22 Pa.B. 2833; amended April 7, 2006, effective April 8, 2006, 36 Pa.B. 1648. Immediately preceding text appears at serial pages (223118) and (206269).

§ 45.3. Disclosure of financial or ownership interest—statement of policy.

(a) *Purpose.* This statement of policy implements the act of May 26, 1988 (P. L. 403, No. 66) (35 P. S. §§ 449.21—449.23).

(b) *Requirement.* A licensee of the Board referring a client for health-related services, devices or products to a business, service provider, facility or entity in which the licensee or a member of his family has a financial or ownership interest to any extent or degree, shall disclose that interest prior to making the referral, and shall notify the client of his freedom to choose an alternate provider.

(c) *Guidelines for disclosure.*

(1) *Posting notice of disclosure requirement.* It is recommended that compliance with the disclosure requirement include the prominent posting of a printed notice at least 8 1/2" x 11", legible from 3 feet, posted in the patient waiting area, as follows:

TREATMENT IN THIS OFFICE MAY INCLUDE A REFERRAL FOR FURTHER HEALTH-RELATED SERVICES, DEVICES OR PRODUCTS. PENNSYLVANIA LAW REQUIRES ANY HEALTH-CARE PRACTITIONER TO DISCLOSE TO YOU ANY FINANCIAL INTEREST HE HAS IN ANY HEALTH-CARE FACILITY IN WHICH HE RECOMMENDS FURTHER HEALTH-RELATED SERVICES, DEVICES OR PRODUCTS. (ACT 66-1988)"

(2) *Written notice.* When a licensee of the Board makes this type of referral, the licensee or a delegate shall advise the client and shall retain the following document in the patient's file:

I have been referred to _____ for _____ . I understand that my [licensee's profession] has a financial interest in this business, and that I am free to choose an alternate provider.

(signature of patient)

Source

The provisions of this § 45.3 adopted January 24, 1992, effective January 25, 1992, 22 Pa.B. 368.

Subchapter B. LICENSURE

Sec.	
45.11.	Licenses.
45.12.	Application procedures.
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45.22.	Foreign-trained applicants.

Authority

The provisions of this Subchapter B issued under section 5(1), (2) and (6) of the Speech-Language and Hearing Licensure Act (63 P. S. § 1705(1), (2) and (6)), unless otherwise noted.

Source

The provisions of this Subchapter B adopted May 29, 1992, effective May 30, 1992, 22 Pa.B. 2833, unless otherwise noted.

§ 45.11. Licenses.

- (a) The Board issues the following licenses:
- (1) Speech-language pathologist.
 - (2) Audiologist.
 - (3) Teacher of the hearing-impaired.
- (b) The Board will issue a permanent certificate indicating initial licensure and a wallet card showing the current license period.

Cross References

This section cited in 49 Pa. Code § 45.12 (relating to application procedures).

§ 45.12. Application procedures.

- (a) Upon request, the Board will furnish a candidate for licensure an application form, a copy of the act and a copy of this chapter.
- (b) The applicant shall send to the Board, along with required fees, as provided by § 45.1 (relating to fees), and documentation, a complete, signed, dated and notarized application.
- (c) The applicant shall file with the Board evidence that the applicant has:
- (1) Met the educational requirements of § 45.17 or § 45.18 (relating to education requirements: master's degree or equivalent; and criteria for master's degree equivalent).
 - (2) Completed the practicum requirements of § 45.19 (relating to practicum).

- (3) Completed the year of supervised professional experience requirements of § 45.20 (relating to YSPE).
- (4) Has passed an examination approved by the Board.
- (5) Is of good moral character.
- (d) An applicant who wishes to apply for more than one license, specified in § 45.11(a) (relating to licenses), shall submit a separate application for each license.

§ 45.13. Renewal; inactive status; required continuing education.

- (a) Unless renewed for the upcoming biennium, licenses issued under this subchapter expire at the end of the current biennium.
- (b) Biennial renewal forms and other forms and literature to be distributed by the Board will be forwarded to the last mailing address given to the Board by the licensee. Whenever the licensee changes his mailing address of record, the licensee shall notify the Board in writing within 10 days after making the address change.
- (c) The licensee shall renew his license in the manner prescribed by the Board and pay the required fee, as provided by § 45.1 (relating to fees).
- (d) When a license is renewed after the expiration date, a late fee, as provided for by section 225 of the Bureau of Professional and Occupational Affairs Fee Act (63 P. S. § 1401-225), will be charged for each month or part of a month that the licensee has engaged in practice beyond the expiration date. A licensee who practices under an expired license may be subject to criminal prosecution under section 18 of the act (63 P. S. § 1718).
- (e) A licensee who does not intend to practice in this Commonwealth may make written request that his license be placed on inactive status.
- (f) A licensee who fails to pay the biennial renewal fee or who requests to be placed on inactive status will not be sent biennial renewal forms for following biennial renewal periods unless the licensee requests the Board, in writing, to reactivate the license.
- (g) Beginning with the renewal period commencing August 1, 2008, an application for renewal of a speech-language pathologist, audiologist or teacher of the hearing impaired license will not be granted unless the licensee has certified that the licensee has completed the required continuing education hours under § 45.501 (relating to credit hour requirements). If requested by the Board, an application for renewal must also include the documentation required by § 45.504 (relating to reporting completion of continuing education).
- (h) An application for reactivation of an inactive or lapsed speech-language pathologist, audiologist or teacher of the hearing impaired license must also include the documentation required by § 45.504 (relating to reporting completion of continuing education) for the preceding biennial period.

Authority

The provisions of this § 45.13 amended under section 5(7) of the Speech-Language and Hearing Licensure Act (63 P. S. § 1705(7)).

Source

The provisions of this § 45.13 amended April 7, 2006, effective April 8, 2006, 36 Pa.B. 1648. Immediately preceding text appears at serial pages (206271) to (206272).

§ 45.14. Reactivation of licensure status.

A licensee who has allowed his licensure status to lapse may apply to the Board for reactivation of licensure status by satisfying the requirements of paragraph (1) on forms prescribed by the Board.

(1) A licensee applying for reactivation of licensure status is required to pay the current registration fee and submit a notarized affidavit setting forth the period of time in which the licensee did not practice in this Commonwealth.

(2) A licensee who seeks to reactivate his licensure status will not be assessed a late renewal fee for the preceding biennial registration periods in which the licensee did not engage in practice in this Commonwealth.

(3) With the exception of individuals exempt from licensure under section 6(b)(2) of the act (63 P. S. § 1706(b)(2)), a licensee whose licensure status has lapsed due to the failure to register biennially with the Board, is prohibited from practicing in this Commonwealth unless the licensure status is reactivated. If a licensee who is not exempt from licensure engages in practice in this Commonwealth during a period in which the licensees' registration is not renewed, the licensee is required to pay a late fee of \$5 for each month or part of a month beyond the date specified for renewal, as provided in section 225 of the Bureau of Professional and Occupational Affairs Fee Act (63 P. S. § 1401-225), in addition to the prescribed biennial renewal fee. The payment of a late fee does not preclude the Board from taking disciplinary action against a licensee for practicing in this Commonwealth without a current license.

(4) A person who fails to renew his license within 5 years after the date of its expiration may not renew it, and it will not be restored, reissued or reinstated thereafter, but the person may apply and obtain a new license, if the person meets the requirements of the act.

§ 45.15. Duplicate certificates.

Duplicate license certificates and wallet cards will be issued only upon submission by the licensee of a notarized statement specifying the reason for the request.

Fees as prescribed by the Bureau of Professional and Occupational Affairs Fee Act (63 P. S. §§ 1401-101—1401-501) shall be charged for duplicate wall certificates.

§ 45.16. Display of license.

The licensee shall post the original certificate in a conspicuous place in the office or place of business of the licensee.

§ 45.17. Education requirements: master's degree or equivalent.

(a) *Speech-language pathologist.* An applicant for licensure as a speech-language pathologist shall provide evidence of holding a master's degree in speech-language pathology or its equivalent from an accredited academic institution.

(b) *Audiologist.* An applicant for licensure as an audiologist shall provide evidence of holding a master's degree in audiology or its equivalent from an accredited academic institution.

(c) *Teacher of the hearing-impaired.* An applicant for licensure as a teacher of the hearing-impaired shall provide evidence of holding a master's degree in teaching of the hearing-impaired or its equivalent from an accredited academic institution.

Cross References

This section cited in 49 Pa. Code § 45.12 (relating to application procedures); and 49 Pa. Code § 45.22 (relating to foreign-trained applicants).

§ 45.18. Criteria for master's degree equivalent.

(a) *Speech-language pathologists.*

(1) An applicant for licensure as a speech-language pathologist seeking to demonstrate that he holds a master's degree equivalent shall submit evidence to the Board of the following:

(i) Possession of a bachelor's degree from an accredited academic institution.

(ii) Completion of a program of study compromised of 39 graduate semester hours distributed as follows: 6 hours in normal processes of speech, language and hearing; 20 hours in the nature of speech-language disorders, evaluation and treatment; 3 hours in case management; 3 hours in audiology; and 3 hours in habilitation and rehabilitation of speech-language problems associated with hearing-impairment; 4 hours allocated among the areas listed in this paragraph or earned in other course work related to speech-language pathology.

(2) Graduate semester hours in practicum may not be counted toward satisfying the 39 semester-hour requirement.

(b) *Audiologists.*

(1) An applicant for licensure as an audiologist, seeking to demonstrate that he holds a master's degree equivalent, shall submit evidence to the Board of the following:

(i) Possession of a bachelor's degree from an accredited academic institution.

(ii) Completion of a program of study comprised of 39 graduate semester hours distributed as follows: 6 hours in normal processes of speech, language and hearing; 12 hours in pathologies of the auditory system and assessment of auditory disorders; 8 hours in habilitation and rehabilitation procedures for problems associated with hearing-impairment; 3 hours in conservation of hearing; 3 hours in speech-language pathology disorders; and 3 hours in case management; 4 hours allocated among the areas listed in this paragraph or earned in other course work related to audiology.

(2) Graduate semester hours in practicum may not be counted toward satisfying the 39 semester-hour requirement.

(c) *Teachers of the hearing-impaired.*

(1) An applicant for licensure as a teacher of the hearing-impaired, seeking to demonstrate that he has a master's degree equivalent, shall submit evidence to the Board of the following:

(i) Possession of a bachelor's degree from an accredited academic institution.

(ii) Completion of a program of study comprised of 39 graduate semester hours distributed as follows: 12 hours in curriculum and instruction, 12 hours in language and communication, 3 hours in foundations and 3 hours in speech science and audiology; 9 hours allocated among the areas listed in this paragraph or earned in other course work related to teaching of the hearing-impaired.

(2) Graduate semester hours in practicum may not be counted toward satisfying the 39 semester-hour requirement.

Cross References

This section cited in 49 Pa. Code § 45.12 (relating to application procedures); and 49 Pa. Code § 45.22 (relating to foreign-trained applicants).

§ 45.19. Practicum.

(a) General requirements are as follows:

(1) An applicant for licensure shall complete a practicum in the approximate specialty consisting of a minimum of 375 hours.

(2) Two hundred fifty clock hours of the practicum shall be obtained at the graduate level in the area in which licensing is sought.

(3) Practicum experience shall include a minimum of 50 clock hours in each of at least two distinctly different environments where different professional experience would be obtained.

- (4) Two hundred fifty clock hours of the practicum shall be supervised by a person who is a qualified training supervisor in the student's area of specialization.
- (5) The following activities shall be directly supervised:
 - (i) At least 50% of all diagnostic evaluations (screening services in speech-language and hearing are considered diagnostic evaluations).
 - (ii) At least 25% of all treatment, instruction, conferencing and counseling.
- (6) A student in practicum may not do one or more of the following unless the student has the prior approval of the qualified training supervisor who is fully responsible for the action:
 - (i) Provide diagnostic conclusions to a person.
 - (ii) Initiate treatment, instruction, conferencing or counselling.
 - (iii) Make a referral to allied professionals for additional evaluation.
 - (iv) Recommend the trial use or purchase of a prosthetic device such as a hearing aid.
 - (v) Terminate treatment.
 - (vi) Take other action of comparable significance.
- (7) The applicant shall submit attestations of the qualified training supervisors on a form provided by the Board as evidence of the completion of the practicum.
- (b) Practicum in speech-language pathology shall include the following:
 - (1) Prior to beginning the practicum, the applicant shall complete 25 clock hours of observation in the applicant's specialty area. Observation through use of videotapes is acceptable. These hours of observation may be counted toward the total required clock hours needed to complete the practicum.
 - (2) Twenty clock hours in evaluation of children with speech disorders, including disorders of articulation, voice and fluency.
 - (3) Twenty clock hours in evaluation of adults with speech disorders, including disorders of articulation, voice and fluency.
 - (4) Twenty clock hours in evaluation of children with language disorder.
 - (5) Twenty clock hours in evaluation of adults with language disorders.
 - (6) Twenty clock hours in treatment of children with speech disorders, including disorders of articulation, voice and fluency.
 - (7) Twenty clock hours in treatment of adults with speech disorders, including disorders of articulation, voice and fluency.
 - (8) Twenty clock hours in treatment of children with language disorders.
 - (9) Twenty clock hours in treatment of adults with language disorders.
 - (10) Thirty-five clock hours in audiology, including 15 clock hours in evaluation and screening and 15 clock hours in habilitation and rehabilitation.
- (c) Practicum in audiology shall include the following:
 - (1) Prior to beginning the practicum, the applicant shall complete 25 clock hours of observation in the applicant's specialty area. Observation through the

use of videotapes is acceptable. These hours of observation may be counted toward the total required clock hours needed to complete the practicum.

(2) Forty clock hours in evaluation of hearing in children.

(3) Forty clock hours in evaluation of hearing in adults.

(4) Forty clock hours in the selection and use of amplification and assistive devices for children.

(5) Forty clock hours in the selection and use of amplification and assistive devices for adults.

(6) Twenty clock hours in the treatment of hearing disorders in children and adults. Treatment refers to clinical management and counseling, including auditory training, speech reading and speech and language services for the hearing-impaired.

(7) Thirty-five clock hours in speech-language pathology unrelated to hearing impairment, including 15 clock hours in evaluation and screening and 15 clock hours in treatment.

(d) Practicum in the teaching of the hearing-impaired shall include the following:

(1) Prior to the beginning of the practicum, the applicant shall complete 125 hours of directed observation and participation with individuals of various age levels, including at least one exposure to individuals 16 years of age or older. One hundred twenty-five hours of observation and participation may be credited toward the 375 hours of practicum.

(2) Two hundred fifty hours in teaching of the hearing-impaired comprised of experience in individual and group evaluation and instruction, providing evaluation and instruction in curriculum-based material and communication skills appropriate for individuals whose cognitive and educational development have been affected primarily by impaired hearing sensitivity, participation in evaluation and assessment teams and family conferencing or counselling.

(e) The applicant shall submit the attestation of the qualified training supervisor on a form supplied by the Board that the applicant has fulfilled the criteria of the practicum.

Cross References

This section cited in 49 Pa. Code § 45.12 (relating to application procedures); and 49 Pa. Code § 45.22 (relating to foreign-trained applicants).

§ 45.20. YSPE.

(a) Practicum requirements shall be fulfilled prior to the start of the YSPE.

(b) The applicant shall begin the YSPE within 4 years of completing the education and practicum requirements, and shall complete 1,080 hours in 2 consecutive years.

(c) The Board may waive the requirements in subsection (b) in the case of demonstrated undue hardship, military service or other good cause shown by the applicant.

(d) The applicant shall complete the YSPE under the supervision of a qualified training supervisor who will not supervise more than three applicants completing their YSPE at any one time. Applicants may not work under the direction of more than two qualified training supervisors at one time.

(e) An applicant completing the YSPE may not hold himself out to be a licensed professional.

(f) The applicant shall inform individuals under his care that he is completing the YSPE.

(g) An applicant shall spend at least 80% of each week in direct client contact related to: assessment, diagnosis, evaluation, screening, habilitation, rehabilitation, consulting, recordkeeping or other duties appropriate to a bona fide program of clinical work. No more than 50% of the applicant's time may be spent conducting screening. Clinical residents who teach, conduct research, perform administrative tasks or engage in other activities not related to direct client contact may not apply the time devoted to these activities toward meeting the YSPE requirement.

(h) During the YSPE, the applicant shall routinely consult with the qualified training supervisor for evaluation of the applicant's performance in professional employment. These consultations shall occur at least once a month and shall include review of the applicant's performance in regard to one or more of the following:

- (1) Clinical treatment or evaluation.
- (2) Changes in the communication behaviors of persons served by the applicant.
- (3) Clinical records, diagnostic reports, treatment records, correspondence, plans of treatment and summaries of clinical conferences.
- (4) Staff conferences and interaction with allied professionals, colleagues and clients and their representatives.
- (5) Contributions to professional meetings and publications and participation in other professional growth opportunities.
- (6) Other matters related to the applicant's knowledge, skills and abilities to practice.

(i) During the YSPE, the applicant shall complete at least 36 supervised activities as follows:

- (1) A minimum of one supervised activity shall be completed per month.
- (2) Each of a minimum of 18 activities shall meet the following criteria.

The activities shall:

- (i) Be directly supervised and involve the assessment, diagnosis, evaluation, screening, habilitation and rehabilitation of clients.
- (ii) Be at least 1 hour in duration.

- (3) No more than 6 hours of direct supervision activities may be completed in 1 day.
- (4) At least six direct supervision activities shall be completed during each third of the YSPE.
- (5) Applicants fulfilling the YSPE at more than one site shall complete at least one direct supervision activity at each site during each of the three segments of the YSPE.
- (j) The applicant shall submit the attestation of the qualified training supervisor, on a form supplied by the Board, that the applicant has fulfilled the criteria of the YSPE.
- (k) The final decision as to whether the applicant has satisfactorily met the conditions of the YSPE shall be within the discretion of the Board.

Cross References

This section cited in 49 Pa. Code § 45.12 (relating to application procedures); and 49 Pa. Code § 45.22 (relating to foreign-trained applicants).

§ 45.21. Waivers.

The Board will waive the education, experience and examination requirements of this subchapter for an applicant who:

- (1) Holds a current certification or license in a state which has standards determined by the Board to be at least equal to those for licensure in this Commonwealth. The applicant shall file an application with the Board, and shall cause the appropriate agency in the state of certification or licensure to submit to the Board a letter attesting to the applicant's good standing.
- (2) Holds a current certificate of clinical competence from the Council of Professional Standards of the American Speech-Language and Hearing Association (ASHA). The applicant shall file an application with the Board, and shall cause ASHA to submit to the Board certification of the applicant's status.
- (3) Holds a current professional certificate issued by the Council on Education of the Deaf (CED) in compliance with its standards for the certification of teachers of the hearing-impaired. If the certificate was issued under CED standards in effect prior to September 1, 1987, the applicant shall present evidence of having an additional ten graduate academic credits which are appropriate to the field of the teaching of the hearing-impaired. The applicant shall file an application with the Board, and shall cause the CED to submit to the Board certification of the applicant's status.
- (4) Earned a bachelor's degree, as of February 19, 1985, with a major, as appropriate, in speech-language pathology, audiology or teaching of the hearing-impaired from an accredited college or university, and was employed in the appropriate field as a speech-language pathologist, audiologist or teacher of the hearing-impaired for at least 9 consecutive months during the period February 19, 1982—February 19, 1985. The applicant shall file an application

with the Board, and shall cause the degree-awarding institution and the applicable employer to submit to the Board certification of degree and certification of employment status. An applicant who was self-employed during the applicable period shall so certify.

§ 45.22. Foreign-trained applicants.

(a) To apply for licensure, the foreign-trained applicant shall, before examination, submit evidence satisfactory to the Board on forms provided by the Board that the applicant meets the following requirements:

(1) Is of good moral character.

(2) Has completed educational requirements substantially equivalent to § 45.17 or § 45.18 (relating to education requirements: master's degree or equivalent; and criteria for master's degree equivalent) and the practicum requirements substantially equivalent to § 45.19 (relating to practicum). The Board will accept a credential evaluation done by a recognized and accredited credential evaluation agency approved by the Board as proof that the foreign-trained applicant has completed these requirements.

(3) Has completed the year of supervised professional experience as provided by § 45.20 (relating to YSPE).

(b) The foreign-trained applicant may be licensed by the Board, if he has complied with subsection (a) and has passed the licensure examination.

**Subchapter C. STANDARDS OF
PRACTICE AND CONDUCT**

- Sec.
45.101. Preparing, maintaining and retaining records.
45.102. Code of Ethics.
45.103. Unprofessional conduct.
45.104. Fraud or deceit.

Authority

The provisions of this Subchapter C issued under sections 5 and 10 of the Speech-Language and Hearing Licensure Act (63 P. S. §§ 1705 and 1710), unless otherwise noted.

Source

The provisions of this Subchapter C adopted July 20, 1990, effective July 21, 1990, 20 Pa.B. 3973, unless otherwise noted.

Cross References

This subchapter cited in 49 Pa. Code § 45.304 (relating to minimum education experience and training requirements).

§ 45.101. Preparing, maintaining and retaining records.

(a) A licensee shall maintain a record for each person served which accurately, legibly and completely reflects the evaluation or treatment of that person. A record shall be prepared and retained irrespective of whether treatment is actually rendered or whether a fee is charged. The record shall include, at a minimum:

- (1) The name and address of the person served and, if that person is a minor, the name of the parent or guardian.
- (2) The date of each visit by the person served.
- (3) A description of the complaint, symptoms and diagnosis of the person served.
- (4) A description of the treatment or service rendered at each visit and the identity of the licensee or assistant rendering it.
- (5) The date of each entry into the record bearing on evaluation or treatment and the signature of the licensee.

(b) A licensee shall retain records for a person served for a minimum of 7 years from the date of the last entry. A licensee shall retain and store the records in a safe location to maintain confidentiality.

(c) A licensee shall comply with a written, dated and signed transfer of records request from a person served, or from that person's parent or guardian if the person is a minor within a reasonable period of time upon receipt of the request. A legible copy of the record shall be provided either gratuitously or at a charge which reflects the licensee's cost of duplicating and forwarding the record.

(d) A licensee's failure to comply with this section will be considered unprofessional conduct under § 45.103 (relating to unprofessional conduct) and will subject the noncomplying licensee to disciplinary action under section 5(4) of the act (63 P. S. § 1705(4)).

(e) This section does not apply to licensees acting within the scope of their employment under section 6(b)(2) of the act (63 P. S. § 1706(b)(2)).

Cross References

This section cited in 49 Pa. Code § 45.103 (relating to unprofessional conduct).

§ 45.102. Code of Ethics.

(a) *General.* The Board is empowered by section 5(2) of the act (63 P. S. § 1705(2)) to promulgate a Code of Ethics for speech-language pathologists, audiologists and teachers of the hearing-impaired, and the Board finds that the following rules are essential for establishing and maintaining stringent standards of professional conduct and for protecting the public interest, the Board has established the following Code of Ethics. A violation of this code constitutes unprofessional conduct under § 45.103 (relating to unprofessional conduct) or, as applicable, fraud or deceit under § 45.104 (relating to fraud or deceit), and subjects the violator to appropriate disciplinary action.

(b) *Preamble.*

(1) The preservation of the highest standards of integrity is vital to the successful discharge of the professional responsibilities of speech-language pathologists, audiologists and teachers of the hearing-impaired. To this end, the Board has established this Code of Ethics to safeguard the public health, safety and welfare and to assure that speech-language and hearing services of the highest possible quality are available to the people of this Commonwealth. A violation of a provision of the Code of Ethics constitutes unprofessional conduct subject to disciplinary action. Accordingly, failure to specify a particular responsibility or practice in the code should not be construed as a deliberate omission.

(2) The fundamental rules of ethical conduct are described in the following categories:

(i) *Principles of Ethics.* Seven principles serve as the basis for the ethical evaluation of professional conduct and form the underlying moral basis for the Code of Ethics. Speech-language pathologists, audiologists and teachers of the hearing-impaired, as defined in the act, shall observe these principles as affirmative obligations under all conditions of professional activity.

(ii) *Ethical proscriptions.* Ethical proscriptions are formal statements of prohibitions that are derived from the Principles of Ethics.

(c) *Principle of Ethics I.*

(1) Because speech-language pathologists, audiologists and teachers of the hearing-impaired provide nonmedical and nonsurgical services, medical diagnosis and medical treatment by these persons are specifically to be considered unethical and illegal.

(i) A licensee shall provide treatment pursuant only to an examination and diagnosis of the person served.

(ii) A licensee who performs examinations and treatments shall use evaluation instruments, techniques and procedures commonly recognized by their profession and compatible with their education, expertise and professional competence.

(2) Ethical proscriptions are as follows: A licensee may not provide treatment if the results of the diagnostic examination disclose a need for medical evaluation as commonly recognized by the profession.

(d) *Principles of Ethics II.*

(1) A licensee shall hold paramount the welfare of persons served professionally.

(i) A licensee shall use every resource available, including referral to other specialists as needed, to provide the best service possible.

(ii) A licensee shall fully inform a person served, a parent or guardian, of the nature and possible effects of the services.

(iii) A licensee shall fully inform subjects participating in research or teaching activities of the nature and possible effects of these activities.

(iv) A licensee shall provide appropriate access to the records of a person served professionally.

(v) A licensee shall take all reasonable precautions to avoid injuring a person in the delivery of professional services.

(vi) A licensee shall evaluate services and products rendered to determine their effectiveness.

(2) Ethical proscriptions are as follows:

(i) A licensee may not exploit a person in the delivery or payment for professional services, as provided for under the act. Exploitation of services includes accepting persons for treatment or by continuing treatment when benefits cannot reasonably be expected.

(ii) A licensee may not guarantee the results of a therapeutic procedure, directly or by implication. A reasonable statement of prognosis may be made, but caution shall be exercised not to mislead a person served professionally to expect results that cannot be predicted from sound evidence.

(iii) A licensee may not use a person for teaching or research in a manner that constitutes invasion of privacy or fails to afford informed free choice to participate.

(iv) A licensee may not evaluate or treat speech, language or hearing disorders except in a professional relationship. The licensee may not evaluate or treat solely by correspondence. This proscription does not preclude follow-up correspondence with a person previously seen or providing the person with general information of an educational nature.

(v) A licensee may not discriminate in the delivery of professional services on the basis of race, sex, age, religion or another basis that is unjustifiable or irrelevant to the need for and potential benefit from the services.

(e) *Principle of Ethics III.*

(1) A licensee shall maintain high standards of professional competence.

(i) A licensee engaging in clinical practice or supervision shall hold the appropriate license for the area in which the licensee is providing professional services or supervising the provision of the services.

(ii) A licensee shall continue professional development throughout his career.

(iii) A licensee shall identify competent, dependable referral sources for a person served.

(iv) A licensee shall maintain adequate records of professional services rendered.

(v) A licensee shall exercise his own independent professional judgment in evaluating and effectuating prescriptions for services.

(2) Ethical proscriptions are as follows:

(i) A licensee may not provide services or supervision which the licensee is not qualified to perform under the act, nor may the licensee permit services to be provided by a staff person who is not qualified pursuant to the requirements of the act.

(ii) A licensee may not delegate to an unlicensed person any service requiring the professional competence of a licensed individual.

(iii) A licensee may not offer clinical services by assistants, students or trainees for whom he does not provide appropriate supervision and assume full responsibility.

(iv) A licensee may not require or suggest that anyone under his supervision engage in a practice that is a violation of this Code of Ethics.

(f) *Principle of Ethics IV.*

(1) A licensee's statement to a person served professionally and to the public shall provide accurate information about the nature and management of communicative disorders, about the profession and about services rendered by its practitioners.

(2) Ethical proscriptions are as follows:

(i) A licensee may not misrepresent training or competence.

(ii) A licensee's public statements providing information about professional services and products may not contain representations or claims that are false, deceptive or misleading.

(iii) A licensee may not use professional or commercial affiliations in a way that would mislead persons served or limit the services available to them.

(g) *Principle of Ethics V.*

(1) A licensee shall maintain objectivity in all matters concerning the welfare of a person served. Accordingly, a licensee who dispenses products to a person served shall observe the following standards:

(i) Products associated with professional practice shall be dispensed to a person served as part of a program of comprehensive habilitative care.

(ii) Fees established for professional services shall be independent of whether a product is dispensed.

(iii) A person served shall be allowed freedom of choice as to the source of services and products, in accordance with the act of May 26, 1988 (P. L. 403, No. 66) (35 P. S. §§ 449.21—449.23).

(iv) Price information about professional services rendered and products dispensed shall be disclosed by providing to or posting for a person served a complete schedule of fees and charges in advance of rendering services. This schedule shall differentiate between fees for professional services and charges for products dispensed.

(v) A licensee shall evaluate products dispensed to a person served to determine their effectiveness.

(2) An ethical proscription is as follows: a licensee may not participate in activities that constitute conflicts of professional interest.

(h) *Principle of Ethics VI.*

(1) A licensee shall uphold the dignity of the profession and freely accept its self-imposed standards.

(2) A licensee shall inform the Board when he has reason to believe that a licensee under the act may have violated this Code of Ethics.

(3) Ethical proscriptions are as follows:

(i) A licensee may not engage in violations of this Code of Ethics or attempt in any way to circumvent it.

(ii) A licensee may not engage in dishonesty, fraud, deceit, misrepresentation or another form of illegal conduct.

§ 45.103. Unprofessional conduct.

As used in section 10(5) of the act (63 P. S. § 1710(5)), the term “unprofessional conduct” includes, but is not limited to, the following types of conduct:

(1) Practicing as a speech-language pathologist, an audiologist or a teacher of the hearing-impaired with a license that has lapsed or that has been suspended or revoked.

(2) Knowingly aiding or abetting a person who is not licensed or exempted from licensure by the act to practice as a speech-language pathologist, an audiologist or a teacher of the hearing-impaired.

(3) Misrepresenting or concealing a material fact in seeking reinstatement of a license to practice as a speech-language pathologist, an audiologist or a teacher of the hearing-impaired.

(4) Delegating to a person duties that the speech-language pathologist, audiologist or teacher of the hearing-impaired knows, or has reason to know, the person is not competent or authorized to perform.

(5) Committing an act of gross negligence, gross malpractice or gross incompetence, or repeated acts of negligence, malpractice or incompetence.

(6) Practicing as a speech-language pathologist, an audiologist or a teacher of the hearing-impaired while unable to do so with reasonable skill and safety because of illness, drunkenness, excessive use of controlled substances, chemicals or other types of materials or as the result of a mental or physical condition.

(7) Withdrawing professional services after a professional relationship has been established without informing the person served of where to obtain necessary and equivalent professional services in a timely manner.

(8) Harassing, abusing or intimidating a person served. Sexual contact, or requests for sexual contact, with a person served is specifically prohibited by this subsection.

(9) Committing an act involving moral turpitude, dishonesty or corruption when the act directly or indirectly affects the health, welfare or safety of citi-

zens of this Commonwealth. If the act constitutes a crime, conviction in a criminal proceeding is not a condition precedent to disciplinary action by the Board.

(10) Failing to provide necessary professional care or products to a person served in a timely manner or to inform the person served of the need for the care.

(11) Revealing personal or professional identifiable facts obtained as a result of a professional relationship without the prior consent of the person served, parent or guardian, except as authorized by a court or required by statute.

(12) Unconditionally guaranteeing the effectiveness of professional services and products rendered.

(13) Advertising professional services and products in a manner which is false, misleading or deceptive.

(14) Accepting compensation from a person being supervised or sponsored, beyond reasonable reimbursement for direct expenses.

(15) Being disciplined by a licensing or disciplinary authority of another state or country or convicted or disciplined by a court of a state or country for an act that would be grounds for disciplinary action under the act or this chapter.

(16) Being convicted of or pleading guilty or nolo contendere to a felony, whether or not an appeal or other proceeding is pending to have the conviction or plea set aside.

(17) Failing to comply with § 45.101 (relating to preparing, maintaining and retaining records).

(18) Providing services or promoting the sale of devices, appliances or products to a person who cannot reasonably be expected to benefit from them.

(19) Failing to comply with the act.

(20) Failing to comply with an order, rule or regulation issued or adopted by the Board, including its Code of Ethics.

(21) Violating a State or Federal statute or a regulation promulgated thereunder in the *Pennsylvania Code* or the *Code of Federal Regulations* by a State or Federal agency that imposes a standard for practicing as a speech-language pathologist, an audiologist or a teacher of the hearing-impaired in this Commonwealth. The Board, in reaching a decision as to whether there has been a violation of a statute or regulation, will be guided by adjudications of the agency or court that administers or enforces the standard.

Cross References

This section cited in 49 Pa. Code § 45.101 (relating to preparing, maintaining and retaining records); 49 Pa. Code § 45.102 (relating to Code of Ethics); and 49 Pa. Code § 45.406 (relating to confidentiality—waived).

§ 45.104. Fraud or deceit.

As used in section 10(6) of the act (63 P. S. § 1710(6)), “fraud and deceit” includes, but is not limited to, the following types of conduct:

- (1) Misrepresenting or concealing a material fact in obtaining payment for services.
- (2) Falsifying the record of a person served regarding treatment rendered to that person.
- (3) Falsely representing the use or availability of the services or advice of a physician.
- (4) Misrepresenting credentials by using the word “doctor” or a similar word, abbreviation or symbol if the use is not accurate or if the degree was not conferred by an accredited institution.
- (5) Misrepresenting the scope or nature of services which the licensee is competent to provide or which the person served can reasonably be expected to benefit from.

Cross References

This section cited in 49 Pa. Code § 45.102 (relating to Code of Ethics).

Subchapter D. PRACTICE IN PROFESSIONAL AND BUSINESS ENTITIES

- Sec.
45.201. General.
45.202. Professional corporations.
45.203. Business entities.
45.204. Fictitious names.

Authority

The provisions of this Subchapter D issued under sections 5(2), 16 and 17 of the Speech-Language and Hearing Licensure Act (63 P. S. §§ 1705(2), 1716 and 1717), unless otherwise noted.

Source

The provisions of this Subchapter D adopted May 22, 1992, effective May 23, 1992, 22 Pa.B. 2730, unless otherwise noted.

§ 45.201. General.

Generally, a licensee may practice in any lawful form of organization, including a corporation, partnership, trust, association, company or other similar form of organization.

§ 45.202. Professional corporations.

(a) A licensee may professionally incorporate with any health care practitioner licensed through the Bureau of Professional and Occupational Affairs,

Department of State, if the regulations of the licensing board of the other health care practitioner also permit multipurpose professional corporations.

(b) The Board will approve any name of the professional corporation which is not false, misleading or fraudulent. If a name is chosen which does not contain the names of the licensed professionals with an ownership interest in the practice, the Board shall be supplied with a list of these persons. The Board will notify the licensee of its approval or disapproval, and this notice shall be submitted to the Corporation Bureau, Department of State, together with the documents and fees required by that agency for filing articles of incorporation.

(c) A licensee incorporating under the terms of this section shall inform the Board of a change in the name or ownership of the corporation.

§ 45.203. Business entities.

(a) A business entity may provide services which require licensure, if the following conditions are met:

(1) The individuals engaging in the practice of a licensed activity possess a current valid license from the Board.

(2) The business entity files with the Board a certification that the business entity submits itself to the requirements of the act and the jurisdiction of the Board and this chapter.

(3) The business entity provides the Board with a list of the licensees employed by the entity. The list shall be updated upon changes in licensed personnel.

(4) The business entity executes a written contract with licensed employees providing for the licensed employees' right to independent exercise of professional judgment.

(b) A licensee may practice as an employe of a business entity which has met the conditions in subsection (a). The Board will not issue nor renew the license of an individual engaging in the practice of a licensed activity through a business entity which does not have a certification on file.

§ 45.204. Fictitious names.

A licensed practice may be conducted under a fictitious name, if the name is submitted to the Board for approval prior to filing with the Corporation Bureau of the Department of State. The Board will notify the person filing the request to do business under a fictitious name of its approval or disapproval, and this notice shall be submitted to the Corporation Bureau, together with the documents and fees required by that agency for filing a fictitious name registration. The Board will approve a fictitious name which is not false, misleading or fraudulent.

Subchapter E. ASSISTANTS

- Sec.
45.301. Definitions.
45.302. Required filing.
45.303. Maximum number of assistants.
45.304. Minimum education, experience and training requirements.
45.305. Functions and duties of assistants.
45.306. Supervision and responsibility.
45.307. Limitations.
45.308. Exceptions.

Authority

The provisions of this Subchapter E issued under section 5(8) of the Speech-Language and Hearing Licensure Act (63 P. S. § 1705(8)), unless otherwise noted.

Source

The provisions of this Subchapter C adopted June 7, 1991, effective June 8, 1991, 21 Pa.B. 2621, unless otherwise noted.

§ 45.301. Definitions.

The following words and terms, when used in this subchapter, have the following meanings, unless the context clearly indicates otherwise:

Assistant—An individual who works under the direction and supervision of a licensed audiologist, speech-language pathologist or teacher of the hearing-impaired and who meets the requirements in this subchapter.

Direct onsite supervision—The physical presence of a licensed audiologist, speech-language pathologist or teacher of the hearing-impaired, in the facility or location where the assistant is working who is immediately available to exercise supervision, direction and control.

Interpreter—An individual whose sole function is to translate or to facilitate communication between persons via oral, cued speech, manual, total communication or written modes. For purposes of this subchapter, an interpreter is not considered an assistant.

Task—Work assigned or carried out as a part or subcomponent of the assistant's duties.

Cross References

This section cited in 49 Pa. Code § 45.305 (relating to functions and duties of assistants).

§ 45.302. Required filing.

(a) A licensee shall file with the Board, on a form provided by the Board, the following:

- (1) The name of the assistant.
- (2) The location where the assistant will work.

(3) Certification that the assistant has met the education and training requirements in § 45.304 (relating to minimum education, experience and training requirements).

(4) Attestation by the assistant and the licensee that the assistant has read this chapter.

(b) Completed forms shall be filed with the Board within 30 days of the assistant's employment or a change in the assistant's employment or supervision.

§ 45.303. Maximum number of assistants.

A licensee may not supervise more than three assistants. This section does not apply to a licensee acting within the scope of the licensee's employment under section 6(b)(2) of the act (63 P. S. § 1706(b)(2)).

§ 45.304. Minimum education, experience and training requirements.

(a) Prior to the use of an assistant, the licensee shall obtain from the assistant evidence of one of the following:

(1) The assistant has completed 30 semester hours or the equivalent from an accredited institution of higher education in the area of speech-language and hearing as outlined in the requirements as specified (nonaudited) for a certificate of clinical competence from the council of professional standards of the American Speech-Language and Hearing Association or the Council on Education of the Deaf.

(2) The assistant has practiced as an assistant in the area of speech-language and hearing since at least June 8, 1989, under the supervision of an audiologist, speech-language pathologist or teacher of the hearing-impaired licensed in this Commonwealth.

(3) The assistant has practiced as an assistant in the area of speech-language and hearing since at least June 8, 1989, under the supervision of an audiologist, speech-language pathologist or teacher of the hearing-impaired licensed in another state or the District of Columbia which has requirements for assistants substantially equivalent to the provisions of this subchapter.

(b) Prior to assigning a duty to an assistant, a licensee shall perform a task analysis of the expected duties of each assistant the licensee supervises, and shall then train the assistant, with an emphasis on competency-based skill acquisition, in accordance with this analysis. Training may be provided through formal coursework, workshops or directly supervised observation or practicum; training shall encompass all areas of activities which the assistant will perform. An assistant trained in one area (audiology, speech-language pathology, teaching of the hearing-impaired) may not perform duties in another area, unless training in that area has been given. An assistant is not permitted to perform a duty for which, in the opinion of the licensed supervisor, the assistant is neither trained nor qualified. A minimum of 20 hours of practical training for each duty is required.

(c) A licensee shall familiarize an assistant with the standards of practice and conduct and the application of these ethics to each assistant's activities, codified at Subchapter C (relating to standards of practice and conduct).

Cross References

This section cited in 49 Pa. Code § 45.302 (relating to required filing); and 49 Pa. Code § 45.306 (relating to supervision and responsibility).

§ 45.305. Functions and duties of assistants.

(a) An assistant may engage in only duties that are planned, designed and supervised by a licensee. Examples of appropriate duties include the following:

- (1) The screening of speech, language or hearing.
- (2) The recording, charting, graphing or otherwise displaying of data which reflects the performance of a person served.
- (3) The maintaining of clinical records.
- (4) The reporting of changes in the performance of a person served to the licensee who is responsible for that person.
- (5) The preparing of clinical materials, including ear molds.
- (6) The testing of hearing aids to determine whether they meet published specifications.
- (7) The participating with the licensee in research projects, in-service training, public relations programs and similar activities.

(b) The assistant may not engage in one or more of the following activities:

- (1) The formulating of diagnostic statements or clinical management strategies or procedures.
- (2) The determining of who will be served.
- (3) The transmitting of clinical information, including data or impressions bearing on the performance, behavior or progress of a person served, either verbally or in writing, to anyone other than the licensee.
- (4) The independent composing of clinical reports, except for progress notes to be held in the file of a person served.
- (5) The referring of a person served to other professionals or other agencies.
- (6) The using of a title, either verbally or in writing, other than one which complies with § 45.301 (relating to definitions).
- (7) Activities which require the formal education or training, and the skill and knowledge of a licensed audiologist, speech-language pathologist or teacher of the hearing-impaired.

Cross References

This section cited in 49 Pa. Code § 45.307 (relating to limitations).

§ 45.306. Supervision and responsibility.

A licensee who supervises an assistant shall be responsible for:

- (1) Hiring only assistants who meet the minimum requirements enumerated under § 45.304 (relating to minimum education, experience and training requirements).
- (2) The assistant's performance of assigned duties.
- (3) Making professional decisions bearing on services provided.
- (4) Ensuring that the assistant is assigned only duties and responsibilities for which the assistant has been specifically trained and which the assistant is qualified to perform.
- (5) Directly observing the assistant's performance in 25% of each clinical session. Direct observations shall be documented and the quality of the assistant's performance shall be reviewed with the assistant.
- (6) Ensuring that persons who will be receiving services from an assistant, or the person's legal representative, is informed that services are being rendered by an assistant.
- (7) Providing direct onsite supervision of the assistant.

§ 45.307. Limitations.

(a) An assistant may not engage in activities reserved by the act to licensees of the Board, nor may the assistant hold himself out to the public, either by title or by description of services, as an audiologist, speech-language pathologist or teacher of the hearing-impaired. Titles may be used only in conjunction with the appendage "assistant;" for example, "audiology assistant."

(b) A licensee may not assign, delegate or permit assistants to perform activities which require the formal education or training, and the skill and knowledge of a licensed audiologist, speech-language pathologist or teacher of the hearing-impaired, including activities enumerated under § 45.305 (relating to functions and duties of assistants).

§ 45.308. Exceptions.

(a) A licensee is not required to file with the Board a list of support personnel who do not engage in activities requiring formal education or training in the field of speech-language and hearing, the skill and knowledge of a licensed audiologist, speech-language pathologist or a teacher of the hearing-impaired or the skill and knowledge of an assistant, as required under this subchapter.

(b) This subchapter does not limit the activities of a student who is pursuing a program of study supervised by a person licensed under the act which leads to a degree in audiology, speech-language pathology or teaching of the hearing-impaired in this Commonwealth.

Subchapter F. CHILD ABUSE REPORTING REQUIREMENTS

- Sec.
- 45.401. Definitions.
- 45.402. Suspected child abuse—mandated reporting requirements.
- 45.403. Photographs, medical tests and X-rays of child subject to report.
- 45.404. Suspected death as a result of child abuse—mandated reporting requirement.
- 45.405. Immunity from liability.
- 45.406. Confidentiality—waived.
- 45.407. Noncompliance.

Authority

The provisions of this Subchapter F issued under the Child Protective Services Law, 23 Pa.C.S. § 6383(b)(2); and section 5 of the Speech-Language and Hearing Act (63 P. S. § 1705), unless otherwise noted.

Source

The provisions of this Subchapter F adopted November 8, 1996, effective November 9, 1996, 26 Pa.B. 5430, unless otherwise noted.

§ 45.401. Definitions.

The following words and terms, when used in this subchapter, have the following meanings, unless the context clearly indicates otherwise:

Child abuse—A term meaning any of the following:

- (i) A recent act or failure to act by a perpetrator which causes nonaccidental serious physical injury to a child under 18 years of age.
- (ii) An act or failure to act by a perpetrator which causes nonaccidental serious mental injury to or sexual abuse or sexual exploitation of a child under 18 years of age.
- (iii) A recent act, failure to act or series of acts or failures to act by a perpetrator which creates an imminent risk of serious physical injury to or sexual abuse or sexual exploitation of a child under 18 years of age.
- (iv) Serious physical neglect by a perpetrator constituting prolonged or repeated lack of supervision or the failure to provide the essentials of life, including adequate medical care, which endangers a child's life or development or impairs the child's functioning.

ChildLine—An organizational unit of the Department of Public Welfare which operates a 24-hour a day Statewide toll free telephone system for receiving reports of suspected child abuse, referring reports for investigation and maintaining the reports in the appropriate file.

Individual residing in the same home as the child—An individual who is 14 years of age or older and who resides in the same home as the child.

Licensee—An audiologist, speech pathologist or teacher of the hearing impaired licensed by the Board.

Perpetrator—A person who has committed child abuse and is a parent of the child, a person responsible for the welfare of a child, an individual residing in the same home as a child or a paramour of a child's parent.

Person responsible for the child's welfare—A person who provides permanent or temporary care, supervision, mental health diagnosis or treatment, training or control of a child in lieu of parental care, supervision and control. The term does not include a person who is employed by or provides services or programs in a public or private school, intermediate unit or area vocational-technical school.

Recent acts or omissions—Acts or omissions committed within 2 years of the date of the report to the Department of Public Welfare or county agency.

Serious mental injury—A psychological condition, as diagnosed by a physician or licensed psychologist, including the refusal of appropriate treatment, that does one or more of the following:

- (i) Renders a child chronically and severely anxious, agitated, depressed, socially withdrawn, psychotic or in reasonable fear that the child's life or safety is threatened.
- (ii) Seriously interferes with a child's ability to accomplish age-appropriate developmental and social tasks.

Serious physical injury—An injury that causes a child severe pain or significantly impairs a child's physical functioning, either temporarily or permanently.

Sexual abuse or exploitation—The employment, use, persuasion, inducement, enticement or coercion of a child to engage in or assist another person to engage in sexually explicit conduct or a simulation of sexually explicit conduct for the purpose of producing a visual depiction, including photographing, videotaping, computer depicting or filming, of sexually explicit conduct or the rape, sexual assault, involuntary deviate sexual intercourse, aggravated indecent assault, molestation, incest, indecent exposure, prostitution, statutory sexual assault or other form of sexual exploitation of children.

§ 45.402. Suspected child abuse—mandated reporting requirements.

(a) *General rule.* Under 23 Pa.C.S. § 6311 (relating to persons required to report suspected child abuse), licensees who, in the course of their employment, occupation or practice of their profession, come into contact with children shall report or cause a report to be made to the Department of Public Welfare when they have reasonable cause to suspect on the basis of professional or other training or experience, that a child coming before them in their professional or official capacity is a victim of child abuse.

(b) *Staff members of public or private agencies, institutions and facilities.* Licensees who are staff members of a medical or other public or private institution, school, facility or agency, and who, in the course of their employment, occupation or practice of their profession, come into contact with children shall immediately notify the person in charge of the institution, school, facility or

agency or the designated agent of the person in charge when they have reasonable cause to suspect on the basis of their professional or other training or experience, that a child coming before them in their professional or official capacity is a victim of child abuse. Upon notification by the licensee, the person in charge or the designated agent shall assume the responsibility and have the legal obligation to report or cause a report to be made in accordance with subsections (a), (c) and (d).

(c) *Reporting procedure.* Reports of suspected child abuse shall be made by telephone and by written report.

(1) *Oral reports.* Oral reports of suspected child abuse shall be made immediately by telephone to ChildLine (800) 932-0313.

(2) *Written reports.* Written reports shall be made within 48 hours after the oral report is made by telephone. Written reports shall be made on forms available from a county children and youth social service agency.

(d) *Written reports.* Written reports shall be made in the manner and on forms prescribed by the Department of Public Welfare. The following information shall be included in the written reports, if available:

(1) The names and addresses of the child and the parents or other person responsible for the care of the child, if known.

(2) Where the suspected abuse occurred.

(3) The age and sex of the subjects of the report.

(4) The nature and extent of the suspected child abuse including any evidence of prior abuse to the child or siblings of the child.

(5) The name and relationship of the persons responsible for causing the suspected abuse, if known, and any evidence of prior abuse by those persons.

(6) Family composition.

(7) The source of the report.

(8) The person making the report and where that person can be reached.

(9) The actions taken by the reporting source, including the taking of photographs and X-rays, removal or keeping of the child or notifying the medical examiner or coroner.

(10) Other information which the Department of Public Welfare may require by regulation.

Cross References

This section cited in 49 Pa. Code § 45.406 (relating to confidentiality—waived); and 49 Pa. Code § 45.407 (relating to noncompliance).

§ 45.403. Photographs, medical tests and X-rays of child subject to report.

A licensee may take or cause to be taken photographs of the child who is subject to a report and, if clinically indicated, cause to be performed a radiological examination and other medical tests on the child. Medical summaries or reports of the photographs, X-rays and relevant medical tests taken shall be sent to the

county children and youth social service agency at the time the written report is sent or as soon thereafter as possible. The county children and youth social service agency shall have access to actual photographs or duplicates and X-rays and may obtain them or duplicates of them upon request.

Cross References

This section cited in 49 Pa. Code § 45.406 (relating to confidentiality—waived); and 49 Pa. Code § 45.407 (relating to noncompliance).

§ 45.404. Suspected death as a result of child abuse—mandated reporting requirement.

A licensee who has reasonable cause to suspect that a child died as a result of child abuse shall report that suspicion to the coroner of the county where death occurred or, in the case where the child is transported to another county for medical treatment, to the coroner of the county where the injuries were sustained.

Cross References

This section cited in 49 Pa. Code § 45.406 (relating to confidentiality—waived); and 49 Pa. Code § 45.407 (relating to noncompliance).

§ 45.405. Immunity from liability.

Under 23 Pa.C.S. § 6318 (relating to immunity from liability), a licensee who participates in good faith in the making of a report, cooperating with an investigation, testifying in a proceeding arising out of an instance of suspected child abuse or the taking of photographs shall have immunity from civil and criminal liability that might result by reason of the licensee's actions. For the purpose of any civil or criminal proceeding, the good faith of the licensee shall be presumed. The Board will uphold the same good faith presumption in any disciplinary proceeding that might result by reason of a licensee's actions in participating in good faith in the making of a report, cooperating with an investigation, testifying in a proceeding arising out of an instance of suspected child abuse or the taking of photographs.

§ 45.406. Confidentiality—waived.

To protect children from abuse, the reporting requirements of §§ 45.402—45.404 (relating to suspected child abuse—mandated reporting requirements; photographs, medical tests and X-rays of child subject to report; and suspected death as a result of child abuse—mandated reporting requirement) take precedence over the provisions in § 45.103(11) (relating to unprofessional conduct) and any client confidentiality, ethical principles or professional standard that might otherwise apply.

§ 45.407. Noncompliance.

(a) *Disciplinary action.* A licensee who willfully fails to comply with the reporting requirements in §§ 45.402—45.404 (relating to suspected child abuse—mandated reporting requirements; photographs, medical tests and X-rays of child subject to report; and suspected death as a result of child abuse—mandated reporting requirement) will be subject to disciplinary action under section 10 of the act (63 P. S. § 1710).

(b) *Criminal penalties.* Under 23 Pa.C.S. § 6319 (relating to penalties for failure to report), a licensee who is required to report a case of suspected child abuse who willfully fails to do so commits a summary offense for the first violation and a misdemeanor of the third degree for a second or subsequent violation.

Subchapter G. CONTINUING EDUCATION

Sec.

- 45.501. Credit hour requirements.
- 45.502. Exemption and waiver.
- 45.503. Continuing education requirement for biennial renewal of inactive and lapsed licenses.
- 45.504. Reporting completion of continuing education.
- 45.505. Approval of continuing education programs.
- 45.506. Provider responsibilities.
- 45.507. Disciplinary action authorized.

Authority

The provisions of this Subchapter G issued under section 5(7) of the Speech-Language and Hearing Licensure Act (63 P. S. § 1705(7)), unless otherwise noted.

Source

The provisions of this Subchapter G adopted April 7, 2006, effective April 8, 2006, 36 Pa.B. 1648, unless otherwise noted.

§ 45.501. Credit hour requirements.

(a) Each speech-language pathologist, audiologist or teacher of the hearing impaired shall have completed 20 clock hours of continuing education during each preceding biennial renewal period, beginning with the renewal period commencing August 1, 2008.

(b) Up to 10 clock hours of approved continuing education credit per biennial renewal period may be granted on a case-by-case basis for services as a lecturer or speaker, and for publication of articles, books and research relating to the practice of speech-language pathology, audiology or teaching of the hearing impaired. A licensee seeking continuing education credit under this subsection shall submit a written request with a copy of the lecture, presentation, article,

book or research. The request shall be submitted 180 days prior to the expiration of the biennial renewal period for which the licensee is seeking credit.

(c) Unless granted a waiver under § 45.502 (relating to exemption and waiver), the Board will not renew or reactivate any speech-language pathologist, audiologist or teacher of the hearing impaired license until the continuing education requirement for the current biennial renewal period has been completed.

§ 45.502. Exemption and waiver.

(a) An individual applying for initial licensure shall be exempt from the continuing education requirement for biennial renewal in the period following that in which the license is granted.

(b) The Board may waive all or part of the continuing education requirement for a biennial renewal period upon request of a licensee. The request must be made in writing, with supporting documentation, and include a description of circumstances sufficient to show why compliance is impossible. Waiver requests will be evaluated by the Board on a case-by-case basis. Waivers may be granted for serious illness, military service or other demonstrated hardship. The Board will send written notification of its approval or denial of a waiver request.

Cross References

This section cited in 49 Pa. Code § 45.501 (relating to credit hour requirements); and 49 Pa. Code § 45.507 (relating to disciplinary action authorized).

§ 45.503. Continuing education requirement for biennial renewal of inactive and lapsed licenses.

A licensee seeking to reinstate an inactive or lapsed license shall show proof of compliance with the continuing education requirement for the preceding biennial period.

§ 45.504. Reporting completion of continuing education.

(a) Applicants at the time of license renewal shall provide, on forms provided by the Board, a signed statement certifying that the continuing education requirement has been met and information to support the certification which includes the following:

- (1) Dates attended.
- (2) Continuing education hours claimed.
- (3) Title of course and description of content.
- (4) Location of course.

(b) The Board will utilize a random audit of renewals to determine compliance with the continuing education requirement. Applicants selected for audit shall provide the Board the certified continuing education record, as described in

§ 45.506(b) (relating to provider responsibilities), for each continuing education program completed to prove compliance with the continuing education requirement.

(c) Individuals shall retain the certified continuing education records for courses completed for a minimum of 4 years.

§ 45.505. Approval of continuing education programs.

(a) Credit for continuing education may be obtained for any program approved in advance by the Board. Preapproval is contingent upon compliance with § 45.506 (relating to provider responsibilities).

(b) Any person or entity, including an agency, organization, institution, college, university, professional society, association or center, seeking approval of continuing education programs shall:

(1) Apply for approval of the program on forms provided by the Board.

(2) File the application at least 90 days prior to the first scheduled date of the program.

(c) An application must contain:

(1) The full name and address of the provider.

(2) The title of the program.

(3) Faculty names and credentials, and, if requested by the Board, curriculum vitae.

(4) A schedule of the program, including the title and description of each subject, the name of the lecturers and the time allotted.

(5) The total number of clock hours of credit to be awarded.

(6) A method of certifying participation.

(7) The program coordinator who is responsible for certifying participation and compiling an official list of Pennsylvania licensees in attendance at the continuing education program.

(8) A fee as required by § 45.1 (relating to fees).

(d) The following programs are deemed approved for continuing education credit:

(1) Continuing education programs approved or sponsored by the American Speech-Language-Hearing Association.

(2) Continuing education programs approved or sponsored by the American Academy of Audiology.

(3) Courses and programs offered by academic programs in speech-language pathology, audiology or teaching of the hearing impaired associated with institutions accredited by any state's department of education or a regional commission on institutions of higher education.

(e) The Board may deny approval of a program of continuing education based on the following grounds:

(1) The provider failed to comply with § 45.506 for other programs.

- (2) The provider made one or more false or misleading material statements on the application.
- (3) The identified faculty is deemed not qualified to present the program.
- (4) The course content is in office management or practice building.
- (5) The method of certifying participation is not verifiable.
- (f) The Board may revoke the approval of a provider on the following grounds:
 - (1) Failure of the provider to comply with § 45.506.
 - (2) Falsification of a continuing education record by a program provider.

§ 45.506. Provider responsibilities.

- (a) For each program, the provider shall:
 - (1) Disclose to prospective participants in advance the objectives, content, teaching method and number of hours of continuing education credit.
 - (2) Open each course to licensees.
 - (3) Provide adequate facilities for the number of anticipated participants and the teaching methods to be used.
 - (4) Provide appropriate instructional materials.
 - (5) Utilize a verifiable method of certifying participation.
 - (6) Employ qualified instructors who are knowledgeable in the subject matter.
 - (7) Evaluate the program through the use of questionnaires of the participants.
 - (8) Issue a certified continuing education record to each participant.
 - (9) Retain participation records, written outlines and a summary of evaluations for 5 years.
 - (10) Provide the Board, upon request, verification of licensee's participation in a continuing education program, including the date of approval of the program.
- (b) Each continuing education record must include at a minimum:
 - (1) The name of the participant.
 - (2) The dates of participation in the program.
 - (3) The name of the program.
 - (4) The provider's name.
 - (5) The number of clock hours of continuing education credit.
 - (6) The course approval number or an indication of the provider's status as a preapproved provider.

Cross References

This section cited in 49 Pa. Code § 45.504 (relating to reporting of completion of continuing education); and 49 Pa. Code § 45.505 (relating to approval of continuing education programs).

§ 45.507. Disciplinary action authorized.

(a) A licensed speech-language pathologist, audiologist or teacher of the hearing impaired who submits fraudulent continuing education records may be subject to discipline under section 10 of the act (63 P. S. § 1710).

(b) A licensed speech-language pathologist, audiologist or teacher of the hearing impaired who fails to complete the required continuing education requirement within any biennial renewal period may be subject to discipline unless the licensee is exempt or has been granted a waiver under § 45.502 (relating to exemption and waiver).

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